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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,566	09/29/2005	Randy D Pope	27726-98927	3878

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EXAMINER

ALEXANDER, REGINALD

ART UNIT	PAPER NUMBER
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3742

NOTIFICATION DATE	DELIVERY MODE
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04/21/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foley in view of Marotta.

There is disclosed in Foley a beverage making apparatus, comprising: a heated water tank 15, 34; a heating element (fig. 2) operatively associated with the heated water tank for heating water therein; the heated water tank defining an inlet aperture 42 therein for receiving water to be disposed in the heated water tank; a fill tube 2, communicating with the inlet aperture for receiving water there through and providing water to the heated water tank; a fitting 44, 43, for attachment to the heated water tank and the insulating tube, the fitting including barbs (threads) 43 for connecting the tube thereto; and a gasket 56 for use with the fitting for sealing the fitting.

Marotta discloses that it is known in the art to have a fill tube 30, 65 formed of an insulating material, the tube being connected to a hot water tank by a fitting 26, 90 also formed of an insulated material; wherein the insulating material acts as a thermal insulator.

It would have been obvious to one skilled in the art to substitute the fill tube and fitting of Foley with those disclosed in Marotta, in order to thermally insulate the fill tube from the hot water tank.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

The Foley reference discloses a fill tube which provides water to a heated water tank. This tube being modified by the teachings in Marotta to be insulated. Thus, reducing the likely hood that cold water flowing through the tube into the hot water tank lower end, will reduce the temperature of the hot water in the tank at the upper end.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Reginald L. Alexander/
Primary Examiner
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